

thousands of them were taken from the Philippines in what are called hell ships. These hell ships took our prisoners to Japan and to Japanese-occupied territories like Manchuria, they were packed into the cargo hold of these ships, and our POWs struggled just to grasp a little air in temperatures that reached 125 degrees. It is estimated that over 4,000 Americans died aboard these ships that were transporting them to, as I say, other Japanese-held territories, especially the islands of Japan itself and in Manchuria.

Our POWs struggled to survive in the harshest conditions imaginable. These heroes were forced to toil beyond human endurance, in mines, in factories, in shipyards, in steel mills. Yes, they took the place of the Japanese men who were away serving in the Japanese military. This was in itself a violation of international law. But the jobs that these prisoners were given, these American heroes were given by the Japanese and the treatment they received was well beyond just a violation of international law; it was a crime against humanity.

They worked the most dangerous jobs, the most terrible conditions, and were treated like animals. They were treated worse than animals. The Japanese would not have treated their animals as they treated our prisoners. Company employees would beat them and harangue them. They were starved and denied adequate medical care. They suffered from dysentery, scurvy, pellagra, malaria, diphtheria, pneumonia and other diseases. One of our prisoners of war had his leg amputated because it was crushed in a rock slide, and it was amputated by another American POW, the only doctor who happened to have survived this long, and that doctor amputated that leg without anesthetic. The rations that they were given were unfit for human consumption. Our POWs were reduced to skin and bone, looking very much like the prisoners in Auschwitz and in the concentration camps in Europe.

Today, while many of those survivors, of course, died during the war and after the war just from the complications, and today those who managed to survive over these many years have many health problems that relate directly to their slave labor and the conditions that they were kept in during the Second World War. When you hear the survivors tell their stories, it raises the hair right in the back of your neck and sends chills down your body.

Frank Bigelow, 78 years old, from Brooksville, Florida, was taken prisoner at Corregidor. Mr. Bigelow was shipped to Japan where he performed labor in coal mines owned and operated by Mitsubishi. Now, this is a name that we have heard. Mitsubishi. "We were told to work or die," Mr. Bigelow recalls. Injured in a mining accident and, as I mentioned a moment ago, it was Mr. Bigelow who had his leg amputated without anesthetic by a fellow POW.

At the war's end, though Mr. Bigelow was 6'4", he weighed just 95 pounds when he was liberated.

Lester Tenney, 80 years old, of La Jolla, California, became a prisoner at the fall of Bataan in April of 1942. He survived the Bataan Death March and was transported to Japan aboard a hell ship. In Japan, he was sold by the Japanese Government to Mitsui and forced to labor for 12 hours a day, 28 days a month in the Mitsui coal mine.

"The reward I received for this hard labor was being beaten by civilian workers in the mine and constantly humiliated," said Dr. Tenney. These are just a couple of stories. The horrors that they suffered at the hands of these Japanese corporations, who were making a profit off the work they were doing for the war, the horrors that these men suffered could fill books; and let us in those books and in this recalling what happened not forget who it was who was doing this. These were Japanese corporations. Many of these same Japanese corporations still exist today.

The case of our POWs is clear. These facts cannot be denied. Their claims cannot be dismissed or just simply explained away. And that is why it makes it even more difficult for us to understand why our State Department refuses to assist these American heroes, these veterans of the Bataan Death March, these men who stood at a time when it took such great courage and endured the unspeakable for us, and now our State Department will not stand with them. In fact, it is standing against them.

It makes it hard to fathom when you think about this why the State Department is doing this when you consider that in Germany, in Nazi Germany, where so many people were wronged and we know about what happened in the concentration camps there and how horrible that was, the Germans have tried to compensate those people, especially German corporations, have tried to compensate those people who they wronged during the war. They have tried to close the book. That is what should happen.

But instead, on the other side of the world, our American heroes have been denied justice by these Japanese corporations. And while our government has encouraged the repayment by German corporations and especially in the case of, for example, Swiss bankers who were ripping off the Holocaust survivors from the deposits that their families had made and the huge German insurance companies, while we have encouraged that and tried to side with those victims, our own State Department and our government are siding against our defenders who were captured by the Japanese and mistreated in a very similar way.

The lawyers for the State Department have allied themselves with the war profiteers, these Japanese corporations who made enormous profits in supplying Tokyo's war efforts, and

they have allied themselves against the American victims. Let me just say that their excuse for what they are doing is that they are claiming that the peace treaty that we signed with Japan bars our veterans from these claims. Let me note that that is nonsense. It is total nonsense. If any claims are barred, it is claims against the Japanese Government by American civilians. There is nothing in that treaty that bars our heroic POWs from suing the Japanese corporations that treated them like animals, that violated their human rights and committed war crimes in doing so.

The argument by our State Department is an argument in which our own government is bending over backwards to try to find an excuse for this great violation of rights of our greatest heroes; they are bending over backwards to try to find an excuse when, in fact, these people deserve us to be doing everything we possibly can to try to find the arguments on their side.

These people are not going to be with us for very long. These people might not be with us for another 10 years. They are dying off every day. They are older men. And our government is trying to do its best to try to find arguments, to try to undercut their claims against the people who violated their rights, the Japanese corporations that treated them like slave labor during the war. We should be paying honor to these men, and we should be doing everything we can to help them rather than put roadblocks in their way. The State Department should be ashamed of itself.

First, as the State Department has elsewhere conceded, the waiver of claims by U.S. private citizens against private companies of another country is not merely unprecedented in history, in the history of the United States, it is not recognized in international law and raises very serious constitutional and fifth amendment questions.

What we are talking about here is that there is no State Department waiver of the rights of private citizens to sue people who have violated their rights and they have a just claim. There is no right of our government to waive that, the rights of our citizens. Now, they maybe can waive the rights against a government, but they certainly cannot waive a claim against a corporation that still exists.

By the way, let us remember this: a corporation is a legal entity. If that corporation made mistakes in the past and it is the same corporate entity, it has responsibilities for what the actions of that corporation took in years past. I do not care if it was during the war or during peacetime. A Japanese corporation bears the same responsibility as an individual bears a responsibility. That is why you have corporations. They take upon themselves that legal responsibility.

A close look at the history of the 1951 treaty that we have that ended the war with Japan reveals that the negotiators considered treaty language